

JMH:ML
F.# 2023R00431

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IN THE MATTER OF AN APPLICATION
FOR A SEARCH WARRANT FOR:

THE PERSON KNOWN AND
DESCRIBED AS HASHEEM
MOSES-LOGAN, WITH UNITED
STATES MARSHALS REGISTER
NUMBER 64829-053

AFFIDAVIT IN SUPPORT
OF APPLICATION FOR A
SEARCH WARRANT

(Fed. R. Crim. P. 41; T. 18,
U.S.C., §§ 2113(a) and (d))

No. 23-MJ-812

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EASTERN DISTRICT OF NEW YORK, SS:

MICAH FRIEDMAN, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation (“FBI”), duly appointed according to law and acting as such.

Upon information and belief, there is probable cause that evidence of violations of Title 18, United States Code, Sections 2113(a) and (d) (bank robbery) (the “Subject Offenses”) committed by the defendant HASHEEM MOSES-LOGAN will be obtained by the taking, and preserving as evidence, of a buccal swab sample of the defendant.¹

¹ Some of the courts that have addressed the issue have found that obtaining DNA via saliva is subject to the protections of the Fourth Amendment. See United States v. Nicolosi, 885 F. Supp. 50, 51-56 (E.D.N.Y. 1995) (Glasser, J.); In re Shabazz, 200 F. Supp. 2d 578, 581-85 (D.S.C. 2002). But see United States v. Owens, 2006 WL 3725547, at *6-17 (W.D.N.Y. Dec. 15, 2006) (finding probable cause not necessary for a saliva sample for DNA from an inmate); In re Vickers, 38 F. Supp. 2d 159, 165-68 (D.N.H. 1998) (permitting saliva sample by grand jury subpoena).

The source for your deponent's information and the grounds for his belief are as follows:²

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been for approximately two-and-a-half years. I am part of the Violent Crimes Task Force with the FBI. During my career with the FBI, I have participated in investigations of, among other things, bank robberies, bank larceny, and other crimes involving the theft of property. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses.

2. On September 5, 2023, a grand jury sitting in the Eastern District of New York returned a superseding indictment charging MOSES-LOGAN with bank robbery of a branch of TD Bank located at 78-01 Queens Boulevard (the "Bank" or "TD Bank"), in violation of 18 U.S.C. §§ 2113(a) and (d) on May 13, 2023, under Criminal Docket No. 23-336 (LDH). Prior to the superseding indictment, on August 11, 2023, the Honorable Taryn A. Merkl, United States Magistrate Judge for the Eastern District of New York, authorized MOSES-LOGAN's arrest based on a complaint charging him with the same bank robbery, under Magistrate Docket No. 23-731 (the "Complaint"). The Complaint is attached as Exhibit A to this affidavit and is incorporated by reference herein. On August 15, 2023, MOSES-LOGAN was arrested and he is currently detained at the Metropolitan Detention Center in Brooklyn, New York ("MDC"). There is accordingly probable cause to conclude that MOSES-LOGAN committed the bank robbery described above.

3. As set forth in Exhibit A, there is probable cause to conclude defendant HASHEEM MOSES-LOGAN robbed TD Bank on May 13, 2023, and that the DNA testing

² This affidavit is intended to show merely that there is probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

sought by this application will lead to evidence relevant to this investigation based upon the numerous items of physical evidence recovered in connection with the robbery. Specifically, and as set forth in greater detail in the Complaint, MOSES-LOGAN entered TD Bank, brandished a knife, and stole approximately \$700. See Complaint ¶ 5. According to surveillance footage, MOSES-LOGAN was wearing a dark-colored mask; dark-colored hat; dark-colored glasses; a dark-colored, long-sleeved jacket with light-colored bands around the arms; dark-colored pants; and dark-colored shoes. See Complaint ¶ 5. MOSES-LOGAN then fled on foot and discarded items of clothing that he was wearing during the robbery. See Complaint ¶¶ 6-8. Down the block from the Bank, law enforcement officers located a discarded dark-colored jacket, sunglasses, dark pants, a dark mask, and dark shoes that appear consistent with what MOSES-LOGAN was wearing during the robbery. See Complaint ¶¶ 7-8.

4. It is my understanding that DNA was recovered from the dark pants described above that is suitable for further analysis. The government seeks to collect a buccal swab from MOSES-LOGAN in order to allow direct comparison of his DNA to the sample from the dark pants.

5. Based on the above information, there is probable cause to believe that a buccal swab from the defendant will lead to relevant evidence of MOSES-LOGAN's commission of the Subject Offenses.

WHEREFORE, your deponent requests that a search warrant be issued authorizing FBI Special Agents and Task Force Officers, New York City Police Department officers, United States Marshals and other appropriate law enforcement and support personnel to seize and obtain from the defendant HASHEEM MOSES-LOGAN a buccal swab sample. An appropriately trained law enforcement officer, or an appropriately trained designee, will perform

the cheek swabbing. The DNA samples sought herein will be collected by buccal swabbing.

This method involves taking a sterile swab (similar to a Q-Tip) and gently scrubbing the inside right cheek, then the inside left cheek, for approximately five to 10 seconds. Two samples are requested in the event that one of the samples becomes contaminated or otherwise cannot be tested. The samples seized will be subsequently submitted to the Office of the Chief Medical Examiner and will be subject to examination, testing and analysis.

Respectfully submitted,

Micah Friedman
MICAH FRIEDMAN
Special Agent
Federal Bureau of Investigation

Sworn to before me by telephone this
8th day of September, 2023

s/ James R. Cho

THE HONORABLE JAMES R. CHO
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

EXHIBIT A

AB:AP

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

HASHEEM MOSES LOGAN,

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

MICAH FRIEDMAN, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation duly appointed according to law and acting as such.

On or about May 13, 2023, within the Eastern District of New York and elsewhere, the defendant HASHEEM MOSES LOGAN did knowingly and intentionally take by force, violence and intimidation, from the person and presence of one or more employees of a bank, to wit: a branch of TD Bank located at 78-01 Queens Boulevard in Queens, New York, money belonging to and in the care, custody, control, management and possession of said bank, the deposits of which were insured by the Federal Deposit Insurance Corporation and that MOSES LOGAN did so by brandishing a dangerous weapon.

(Title 18, United States Code, Sections 2113(a) and 2113(d))

TO BE FILED UNDER SEAL

COMPLAINT AND
AFFIDAVIT IN SUPPORT
OF AN APPLICATION FOR
AN ARREST WARRANT

(18 U.S.C. §§ 2113(a) and (d))

No. 23-MJ-731

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I have been a Special Agent with the Federal Bureau of Investigation for approximately two and a half years. As a member of the Joint Bank Robbery/Violent Crime Task Force, I have participated in numerous investigations relating to bank robberies and similar crimes.

2. On or about May 13, 2023, at approximately 12:37 p.m., a man, later identified as the defendant HASHEEM MOSES LOGAN, entered a branch of TD Bank located at 78-01 Queens Boulevard in Queens, New York in Queens, New York (the "Bank"), wearing a dark-colored mask; dark-colored hat; dark-colored glasses; a dark-colored, long-sleeved jacket with light-colored bands around the arms; dark-colored pants; and dark-colored shoes, as depicted below



¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

3. I believe the perpetrator to be the defendant HASHEEM MOSES-LOGAN because, among other reasons and as set forth in greater detail below, surveillance video captured MOSES-LOGAN (i) before the crime, leaving an apartment building in which MOSES-LOGAN currently resides² wearing clothing consistent with what MOSES-LOGAN was wearing as captured in the Bank's surveillance footage, and (ii) after the crime, removing and discarding items of clothing while fleeing from the Bank, revealing a white and dark-colored shirt with white letters, which surveillance footage captured MOSES-LOGAN wearing shortly after the robbery.

Before the Robbery

4. On or about May 13, 2023, at approximately 11:10 a.m., the defendant HASHEEM MOSES-LOGAN was captured on video surveillance obtained from a private residence in Queens, New York³ leaving the apartment building housing the MOSES-LOGAN Residence wearing a dark hat; dark shoes; a dark mask; and a dark, long-sleeved jacket with light-colored bands around the arms, as depicted below. The MOSES-LOGAN Residence is located approximately 1 mile from the Bank.

5. At approximately 12:37 p.m., the defendant HASHEEM MOSES-LOGAN was shown on surveillance video obtained from the Bank walking into the Bank, as depicted on the left below, and pointing a knife at a bank teller and stealing approximately \$700 of the

² The defendant HASHEEM MOSES-LOGAN is currently on federal supervised release in the Eastern District of New York in connection with prior criminal offenses. According to my discussions with the U.S. Probation Office ("Probation"), MOSES-LOGAN has reported to Probation that he currently resides with a family member in Queens, New York (the "MOSES-LOGAN Residence").

³ Law enforcement officers obtained surveillance video from numerous private residences and businesses in the area of the robbery. Unless otherwise noted, the surveillance video described and depicted in this complaint was obtained from these sources.

Bank's funds, as depicted on the right below. MOSES-LOGAN was wearing clothing consistent with the above picture, including a dark hat; dark shoes; a dark mask; and a dark, long-sleeved jacket with light-colored bands around the arms.

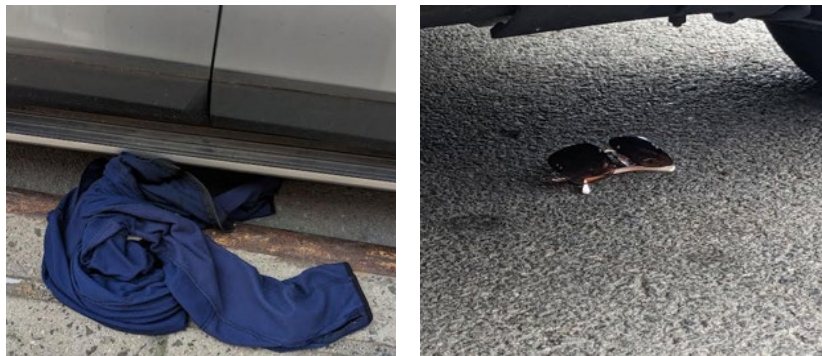


After the Robbery

6. Within minutes after the robbery, at approximately 12:38 p.m., according to surveillance video obtained from a business in Queens, New York, the defendant HASHEEM MOSES-LOGAN fled down a nearby street and removed items of clothing, including what appears to be his jacket. As depicted below, after taking off the jacket, MOSES-LOGAN was still wearing the dark hat and dark shoes along with a white and dark-colored short-sleeve shirt with white letters on it (the "Shirt").



7. A short distance down the block, law enforcement officers located a discarded dark-colored jacket along with sunglasses consistent with what the defendant HASHEEM MOSES-LOGAN was wearing during the robbery, as captured in the video surveillance from the Bank.



(Depicted above: pictures of dark jacket and sunglasses recovered by law enforcement)

8. Further down the block, law enforcement officers located dark pants, a dark mask, and dark shoes, as depicted below, that appear consistent with what the defendant HASHEEM MOSES-LOGAN was wearing during the robbery.



(Depicted above: pictures of dark pants, a dark mask, and dark shoes recovered by law enforcement)

9. By approximately 12:39 p.m., minutes after the defendant HASHEEM MOSES-LOGAN was seen removing the jacket, MOSES-LOGAN was shown on surveillance video obtained from a private residence within a few blocks wearing the Shirt and dark hat, and it appeared he had changed into light-colored pants, as depicted below.



(Depicted above: snapshots of MOSES-LOGAN wearing the Shirt and light-colored pants)

10. A few minutes later, at approximately 12:42 p.m., the defendant HASHEEM MOSES-LOGAN was shown on surveillance video obtained from a private residence a few blocks away wearing the Shirt and light-colored pants, but it appeared he had removed his hat, revealing a hairstyle with braids, and changed into light-colored shoes, as depicted below.



(Depicted above: snapshots of MOSES-LOGAN wearing the Shirt and light-colored shoes)

11. Approximately four minutes later, at approximately 12:46 p.m., the defendant HASHEEM MOSES-LOGAN was shown on surveillance video obtained from a private residence a few blocks away wearing light-colored pants and MOSES-LOGAN appeared to have removed his shirt and was wearing a light-colored tank top, as depicted below.



(Depicted above: snapshots of MOSES-LOGAN wearing light-colored tank top)

12. Video surveillance from a private residence a few blocks away showed the defendant HASHEEM MOSES-LOGAN, at approximately 12:48 p.m., wearing light-colored pants, a light-colored tank top, light-colored shoes, and carrying a white and dark-colored item, which I believe to be the Shirt given the similar color and appearance, as depicted below.



(Depicted above: snapshots of MOSES-LOGAN captured on surveillance footage)

13. Approximately one minute later, in the same vicinity, the defendant HASHEEM MOSES-LOGAN was depicted on video surveillance from a private residence

wearing light-colored pants, a light-colored tank top, light-colored shoes, and he was carrying the white and dark-colored shirt on his shoulder, as depicted below.



(Depicted above: snapshots of MOSES-LOGAN wearing light-colored pants and shoes)

14. Approximately two minutes later, a few blocks away, the defendant HASHEEM MOSES-LOGAN was depicted on video surveillance wearing light-colored pants, a light-colored tank top, light-colored shoes, and was carrying the white and dark-colored shirt on his shoulder, as depicted below.



(Depicted above: snapshots of MOSES-LOGAN wearing light-colored pants and shoes)

15. Approximately three minutes later, less than a block away, the defendant HASHEEM MOSES-LOGAN was shown on surveillance video from a local business wearing light-colored pants, a light-colored tank top, light-colored shoes, and he was carrying the white and dark-colored shirt on his shoulder, as depicted below.



(Depicted above: snapshots of MOSES-LOGAN wearing light-colored tank top, pants, shoes, and carrying dark-colored and white shirt)

16. Seconds later, on the same block, the defendant HASHEEM MOSES-LOGAN was shown on surveillance video obtained from a restaurant in Queens, New York talking on his phone still wearing light-colored pants, a light-colored tank top, light-colored shoes, and carrying the white and dark-colored shirt, as depicted below.



(Depicted above: snapshots of MOSES-LOGAN wearing light-colored tank top, pants, shoes, and carrying dark-colored and white shirt)

17. Within approximately 10 minutes, in the same vicinity, the defendant HASHEEM MOSES-LOGAN was captured on surveillance video still wearing light-colored pants, a light-colored tank top, and light-colored shoes, while putting on the white and dark-colored shirt with white letters.



(Depicted above: snapshots of MOSES-LOGAN wearing light-colored tank top, pants, shoes, and putting on the dark-colored and white shirt with white letters)

18. Based on my review of records, including a known photo of the defendant HASHEEM MOSES-LOGAN provided by Probation, as depicted below, I believe that the perpetrator captured on surveillance video robbing the Bank and fleeing the scene is MOSES-LOGAN given the similarity in appearance. Additionally, a Probation Officer (the “Probation Officer”) who has interacted with MOSES-LOGAN on a regular basis for years reviewed the surveillance video obtained from the restaurant and identified the perpetrator captured on video as MOSES-LOGAN.



Cell Site Evidence Connecting the defendant HASHEEM MOSES-LOGAN to the Robbery

19. The Probation Officer provided agents with a phone number, registered to T-Mobile (the “MOSES-LOGAN Phone”), that the Probation Officer regularly used to interact with the defendant HASHEEM MOSES-LOGAN as recently as June 2023.

20. Cell site records for the MOSES-LOGAN Phone showed cell site activity for his device in the vicinity of the MOSES-LOGAN Residence approximately an hour and a half before the robbery of the Bank. Cellular interactions between the MOSES-LOGAN Phone and the T-Mobile network are consistent with travel of the device from the direction of the MOSES-LOGAN Residence to the Bank. This movement is also consistent with the timing of surveillance video capturing the individual, believed to be MOSES-LOGAN, leaving the MOSES-LOGAN Residence.

21. The last interaction between the MOSES-LOGAN Phone and the T-Mobile network was approximately 20 minutes before the robbery of the Bank in the vicinity of the Bank. At the approximate time of the robbery, cell site records for the MOSES-LOGAN Phone did not register any cellular activity, which was consistent with the MOSES-LOGAN Phone being turned off.

22. Approximately 20 minutes after the robbery, the MOSES-LOGAN Phone reconnected with the T-Mobile network approximately a mile from the vicinity of the Bank in the area where video surveillance captured the defendant HASHEEM MOSES-LOGAN after the robbery.

23. The deposits of the Bank are insured by the Federal Deposit Insurance Corporation.

I request that the Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including the affidavit and arrest warrant. Based upon my training and experience, I have learned that criminals actively search for criminal affidavits and arrest warrants via the internet. Therefore, premature disclosure of the contents of this affidavit and related documents will seriously jeopardize the investigation, including by giving targets an opportunity to flee or continue flight from prosecution, destroy or tamper with evidence and change patterns of behavior.

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for the defendant HASHEEM MOSES LOGAN so that he may be dealt with according to law.

Micah Friedman

MICAH FRIEDMAN
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me via telephone
or reliable electronic means on August 11, 2023

Taryn A. Merkl

THE HONORABLE TARYN A. MERKL
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

TO: Clerk's Office
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK



APPLICATION FOR LEAVE
TO FILE DOCUMENT UNDER SEAL

UNITED STATES

-v.-

HASHEEM MOSES LOGAN

23-MJ-731

Docket Number

SUBMITTED BY: Plaintiff ___ Defendant ___ DOJ ☒

Name: Andres Palacio

Firm Name: USAO - EDNY

Address: 271A Cadman Plaza East

Brooklyn, NY 11201

Phone Number: (718) 254-6215

E-Mail Address: Andres.Palacio@usdoj.gov

INDICATE UPON THE PUBLIC DOCKET SHEET: YES ___ NO ☒

If yes, state description of document to be entered on docket sheet:

MANDATORY CERTIFICATION OF SERVICE:

A.) ___ A copy of this application either has been or will be promptly served upon all parties to this action, B.) ___ Service is excused by 31 U.S.C. 3730(b), or by the following other statute or regulation: _____; or C.) ☒ This is a criminal document submitted, and flight public safety, or security are significant concerns. (Check one)

August 11, 2023

DATE

Andres Palacio

SIGNATURE

A) If pursuant to a prior Court Order:

Docket Number of Case in Which Entered: _____

Judge/Magistrate Judge: _____

Date Entered: _____

B) If a new application, the statute, regulation, or other legal basis that authorizes filing under seal

Ongoing investigation _____

**ORDERED SEALED AND PLACED IN THE CLERK'S OFFICE,
AND MAY NOT BE UNSEALED UNLESS ORDERED BY
THE COURT.**

DATED: Brooklyn, NEW YORK
August 11, 2023

U.S. MAGISTRATE JUDGE

Taryn A. Merkel

RECEIVED IN CLERK'S OFFICE _____
DATE